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PRO SE PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT CALIFORNIA

SAN FRANCISCO DIVISION

FRANCIS DROUILLARD, MARK GALPERIN,
JOHN TURNACLIFF, CHRIS CARPINIELLO,
WALTER JENSEN, MATTHEW BENNETT
AND MIA CAMERA

Plaintiffs,

vs.

LYNDA ROBERTS in her official capacity as
MARIN COUNTY REGISTRAR OF VOTERS
AND SHIRLEY WEBER, PH.D., in her official
Capacity as CALIFORNIA SECRETARY OF
STATE,

Defendants.

Case No.: 24-cv-06969 – CRB

**FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

- I. Violation of the Fourteenth
Amendment – Equal Protection
- II. Violation Of The National Voter
Registration Act – Failure to
Maintain Voter Rolls
- III. Violation Of The Help America
Vote Act – Excessive Ballot Errors

1 I. INTRODUCTION

2 1. This action seeks declaratory and injunctive relief to prevent
3 Defendants Lynda Roberts, in her official capacity as Marin County Registrar of Voters,
4 and Shirley Weber, Ph.D., in her official capacity as California Secretary of State, from
5 violating Plaintiffs' voting rights under the Fourteenth Amendment, and to comply with the
6 National Voter Registration Act (NVRA) [52 U.S.C. §§ 20507-20511] and the Help America
7 Vote Act (HAVA) [52 U.S.C. §§ 20901-21145].

8 2. Plaintiffs allege that the actions of Defendants, including the failure to remove
9 ineligible voters from registration rolls, allow illegal votes that dilute the votes of eligible
10 voters, infringing Plaintiffs' rights to participate in a fair election.

11 II. VENUE AND JURISDICTION

12 3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 as the
13 claims arise under federal statutes including NVRA [52 U.S.C. § 20507(b)] and HAVA [52
14 U.S.C. § 21081(a)(5)], as well as 28 U.S.C. § 1367, which confers on federal court the power
15 to decide state claims under state law.

16 4. Venue is proper in this District under 28 U.S.C. § 1391(b), as Defendants
17 perform official duties within this District, and the alleged violations occurred in Sacramento,
18 CA, and Marin County, CA.

19 III. PARTIES

20 Plaintiffs:

21 5. Francis Drouillard, Mark Galperin, John Turnacliff, Chris Carpinello, Walter
22 Jensen, Matthew Bennett, and Mia Camera are California residents and registered voters
23 impacted by Defendants' alleged failure to maintain current and accurate voter rolls.

24 Defendants:

25 6. Lynda Roberts serves as Marin County's Registrar of Voters, responsible for
26 maintaining voter rolls and ensuring the lawful administration of elections in Marin County.
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28

1 7. Shirley Weber, Ph.D. serves as California Secretary of State, tasked with
2 overseeing and implementing statewide election laws, including those concerning voter
3 registration and roll maintenance.

4 IV. GENERAL ALLEGATIONS

5 8. In advance of recent elections, Marin County's voter rolls included numerous
6 ineligible voters who had either moved out of state or were otherwise unqualified under state
7 and federal law. Plaintiffs allege this failure has allowed ineligible voters to cast ballots,
8 diluting legally cast votes and diminishing election reliability.

9 9. The National Voter Registration Act (NVRA) requires States to implement
10 systems to maintain accurate voter rolls by removing ineligible voters who are deceased,
11 have relocated out of state, or otherwise lost eligibility.

12 10. The Help America Vote Act (HAVA) establishes that federal elections must
13 be administered to strict error rate limits, permitting only one voting system error per
14 500,000 ballot positions. Defendants' failure to remove ineligible voters has generated an
15 excessive number of ballot errors in Marin County elections.

16 11. Plaintiffs bring this action to compel Defendants:

- 17 a. to exclude ballots returned by ineligible voters from the count in the
18 November 5, 2024, general election; and
19 b. to enjoin the Defendants from opening mail-in-ballot return envelopes
20 received from ineligible voters; and
21 c. to comply with federal laws that require maintaining current, accurate
22 voter rolls by timely conducting in preparations for future elections "a general
23 program that makes a reasonable effort to remove the names of ineligible
24 voters from the official lists of eligible voters" [52 U.S. Code §20507(a)(4)],
25 thereby safeguarding the integrity of elections and ensuring that legitimate
26 voters are not disenfranchised.

27 V. CAUSES OF ACTION

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1 **First Cause of Action: Violation of the Fourteenth Amendment (Equal Protection)**

2 12. Plaintiffs reallege and incorporate by reference each preceding paragraph as
3 though fully set forth herein.

4 13. The Equal Protection Clause of the Fourteenth Amendment safeguards voters
5 from dilution of their votes by unlawful votes cast by ineligible voters. *Reynolds v. Sims*, 377
6 U.S. 533, 554-55 (1964).

7 14. By failing to remove ineligible voters from the rolls, Defendants have
8 sanctioned election practices that reduce the weight and impact of votes cast by eligible
9 voters, depriving Plaintiffs of equal protection under the law.

10 **Second Cause of Action: Violation of the National Voter Registration Act (NVRA)**

11 15. Plaintiffs reallege and incorporate by reference each preceding paragraph as
12 though fully set forth herein.

13 16. The NVRA mandates that each state conduct programs to ensure only eligible
14 voters remain on voter registration rolls, as stipulated in 52 U.S.C. § 20507(a)(4) and (b).

15 17. Defendants' failure to implement these programs in Marin County has
16 allowed thousands of ineligible voters to remain on the voter rolls, contravening the NVRA's
17 explicit requirements to safeguard the integrity of the electoral process.

18 **Third Cause of Action: Violation of the Help America Vote Act (HAVA)**

19 18. Plaintiffs reallege and incorporate by reference each preceding paragraph as
20 though fully set forth herein.

21 19. HAVA establishes error rate limits for voting systems and requires each state
22 to maintain accurate voter rolls by regularly removing ineligible voters (52 U.S.C. §
23 21081(a)(5)).

24 20. The excessive number of ballot errors generated by votes cast by ineligible
25 voters in Marin County exceeds the error rate permitted under HAVA, rendering recent
26 elections unreliable and violative of federal election law.

27 **VI. PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against
2 Defendants and grant the following relief:

3 21. Declaratory Relief: A declaration that Defendants' failure to maintain accurate
4 voter rolls violates the Equal Protection Clause, NVRA, and HAVA.

5 22. Declaratory Relief: A declaration that ineligible voters are not "voters" under
6 the Fourteenth Amendment, NVRA or HAVA.

7 23. Declaratory Relief: A declaration that ballots cast and counted by ineligible
8 voters result votes that are not "an act of the voter" but rather an election system error that is
9 subject to the "ballot error" limits under HAVA.

10 24. Injunctive Relief: An injunction requiring Defendants to take immediate steps
11 to:

- 12 a) Remove ineligible voters from Marin County's voter rolls;
13 b) Implement a verification system to ensure that only eligible voters are mailed
14 ballots in future elections; and
15 c) Comply with NVRA and HAVA requirements to maintain accurate and
16 current voter registration rolls.

17 25. Order for Compliance: Require the Marin County Registrar of Voters to
18 intercept and sequester ballots cast by voters identified as ineligible as they are returned to
19 the Elections Department for processing to prevent them from being counted in the
20 November 5, 2024 General Election and all future elections.

21 26. Attorney's Fees and Costs: Award reasonable attorneys' fees and costs
22 pursuant to applicable law.

23 27. Further Relief: Grant any such further relief as the Court deems just and
24 proper.
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1 DATED: October 12, 2024,

Respectfully Submitted,

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4 FRANCIS DROUILLARD (Pro Se)

5 I, Francis Drouillard, attest, under penalty of
6 perjury, that the six Signatories below have
7 concurred in the filing of this complaint.

8 /s/

MARK GALPERIN (Pro Se)

9 /s/

10 JOHN TURNACLIFF (Pro Se)

11 /s/

12 CHRIS CARPINIELLO (Pro Se)

13 /s/

14 WALTER JENSEN (Pro Se)

15 /s/

16 MATTHEW BENNETT (Pro Se)

17 /s/

18 MIA CAMERA (Pro Se)